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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,680	09/17/2003	Parkson Kuo	TOP 327	2461
23995	7590	07/29/2005	EXAMINER	
RABIN & Berdo, PC 1101 14TH STREET, NW SUITE 500 WASHINGTON, DC 20005			RICHMAN, GLENN E	
			ART UNIT	PAPER NUMBER
			3764	

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/663,680

Applicant(s)

KUO, PARKSON

Examiner

Glenn Richman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6, 10-12, 14, 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

"for controlling connection", claims 6, 11, 14, 23, is vague and ambiguous.

"the wheel", claims 6, 10, 23, has no clear antecedent basis.

### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Schonenberger.

Schonenberger discloses a running device with a tread belt (fig. 2); a bicycle device with a pair of pedals (fig. 2); and transmission device detachably connecting the running device and the bicycle device (5, col. 2, lines 35-42).

As for claims 2, 4-6, Schonenberger further discloses wheel connected pedals (fig.2); transmission device comprises supporting device supporting the bicycle device (21), the supporting device alternatively clutched detached supporting device is in the first state (col. 2, lines 19-42); the wheel connected to the tread belt when the

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supporting device is in the second state (col. 2, lines 19-42), a clutch (21), a belt pulley module (fig. 1), gear drive (col. 2, lines 43-48), a controlling device connected the running device and the bicycle device for controlling the running device and the bicycle device (8), the controlling device is further connected to the transmission device for controlling connection of the tread belt and the wheel (8).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, are rejected under 35 U.S.C. 103(a) as being unpatentable over Schonenberger in view of Carmein (854).

Schonenberger does not specifically disclose the supporting device comprises a hydraulic device.

Carmein discloses a supporting device comprising a hydraulic device (1505).

It would have been obvious to use Carmein's hydraulic supporting device with Schonenberger's supporting device, as it is well know in the art, as taught by Carmein, to use hydraulics', as a means for support.

Claims 7-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schonenberger and Carmein (854) and further in view of Carmein (256).

Carmein (854) does not specifically disclose a control panel.

Carmein (256) discloses a control panel (440).

It would have been obvious to use Carmein's control panel, with Carmein's virtual reality device, as it is well known, as taught by Carmein (256), to have a control panel, controlling the interaction in the exercise device.

Carmein (854) further discloses a motor controlled by the controlling device (1804), a processor for performing a program of an interactive game running device and bicycle device (fig. 2).

Carmein (854) does not specifically detail a controlling device connected processor to the running device and bicycle device for controlling the running device the bicycle device, however, given Carmein's controlling for controlling a running device, and the obvious combination of Schonenberger and Carmein, it would have been obvious to have Carmein's controller also controlling Schonenberger's bicycle device.


As for claims 15-43, Carmein (854) further discloses displaying device connected processor showing the interactive game thereon according plurality of parameters the program (21), two-dimensional display comprises projector, plasma display, an a large electronic display (LED), computer display, television display, television wall (21), wherein the displaying device is a three-dimensional display (21), wherein the VR displaying system comprises a VR helmet, VR goggles, VR projector, or a three D projector (21).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn Richman whose telephone number is 571-272-4981. The examiner can normally be reached on Mon-Thurs.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Glenn Richman  
Primary Examiner  
Art Unit 3764